

IN RE: PETITIONS FOR SPECIAL EXCEPTION	*	BEFORE THE
AND VARIANCE - E/S Reisterstown		
Road,	*	DEPUTY ZONING
410' S/E of C/L Village Road		
(1701 Reisterstown Road)	*	COMMISSIONER OF
3rd Election District		
2nd Councilmanic District	*	BALTIMORE COUNTY
Petitioner: Leonard Rosen, et ux	*	Case No. 95-72XA
* * * * *		

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Exceptions and Variances filed by the owners of the subject property, Leonard Rosen and Gloria Rosen, and the Contract Lessee, Royalty Car Wash, Inc. The Petitioners request a special exception to permit a service garage use pursuant to Sections 230.13 and 101 or in the alternative a car wash use on the subject property, pursuant to Sections 230.13, 101 and 409.6.A of the Baltimore County Zoning Regulations (B.C.Z.R.), and variance relief from Sections 419.3, 419.4.B.1., B.2, B.3 and B.4, in accordance with Section 405.8 of the B.C.Z.R. as more particularly described in Petitioner's Exhibit No. 1, a site plan of the property.

Appearing on behalf of the Petitioners were Leonard Rosen, property owner, and Adam Levine, Michael Levine and Susan Levine, representatives of the Contract Lessees. Also appearing on behalf of the Petitioners were Julius W. Lichter, Esquire, of Levin & Sann, P.A., Paul Lee, Professional Engineer, and Sidney Freedman, President of the Pikesville Chamber of Commerce. There were no protestants present.

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

Testimony was proffered by Mr. Lichter, Mr. Lee and Adam Levine, which testimony indicated that the subject property, known as 1701 Reisterstown Road, consists of a gross area of 0.947 acres, more or less, zoned B.L. and is improved with an existing service garage. The Contract Lessee are new Baltimore County residents. They were attracted to this site because of its location and because they were advised that the zoning allowed the proposed use without securing any further zoning approval. They subsequently were advised that they would be required to obtain a Special Exception for the intended use as a Service Garage specializing in car care detailing including the washing of cars by hand.

The proffered testimony stated that the services that will be provided consist of car care including detailing of motor vehicles which provides the service of washing, waxing and interior detailing. The services will include any or all of the aforementioned facets of the car care provided. They anticipate that their business will consist of services scheduled by appointment and persons driving in and leaving their vehicles or waiting for services to be performed. They also hope to provide valet service to pick up vehicles and deliver to customer's destination.

The Petitioners have met with the Zoning Committee of the Pikesville Chamber of Commerce and have received their support as witnessed by the appearance of their President, Mr. Sidney Freedman. The Petitioners have agreed to a condition to be made a

part of the Order, which would better assure that traffic would not stack in the public travelway (north bound Reisterstown Road).

The proffered testimony reflected that the Petitioners have carefully considered the appearance of the site and will install ground cover and low height plants within the area adjacent to Reisterstown Road between the points of ingress and egress to the site as shown on Petitioner's Exhibit No. 1 and that they will clean up the current overgrown condition of the landscaping on the north and south boundaries of the property and plant some additional shrubbery along the boundaries if necessary.

Testimony presented indicated that the subject property has been the site of a variety of uses over the years and that at times, the property has deteriorated to deplorable conditions. The property has been used as a service garage, service station, landscape shop, produce stand and vacant for long periods of time. Mr. Freedman testified that the petitioned use would be a welcome addition to Pikesville.

Mr. Paul Lee, a registered professional engineer, testified on behalf of the Petitioner. Mr. Lee testified that the Royalty operation is not a true car wash as that use is defined in the B.C.Z.R. Mr. Lee testified that this operation is not a car wash where members of the public exclusively drive up, wait in line, and have their vehicles mechanically washed. This is more of a hybrid use in that a substantial portion of the business will be by appointment or valet service as there is no stacking or lining up of cars which are mechanically moved through a car washing system.

The entire process of washing through detailing is done by hand except for a dryer which will remove excess water from the vehicles quickly. Mr. Lee testified that the stacking requirements imposed by the B.C.Z.R. are not applicable in this case and unnecessary. Those stacking requirements deal with automated car washes as described above. Mr. Lee further testified that all of the standards for the granting of the Special Exception have been satisfied.

It is clear that the B.C.Z.R. permits the use proposed in a B.L. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibits would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create

congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception for service garage together with car wash functions should be granted with certain restrictions.

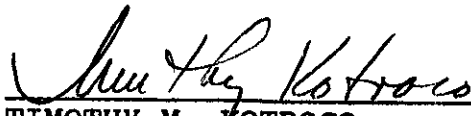
In view of the property's use as a service garage for detailing and maintenance of the interior and exterior of motor vehicles, it is not necessary to rule upon the variances requested which apply only to the car uses as set forth in Section 419 of the B.C.Z.R. The request for variances were withdrawn by the Petitioners.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special exception for service garage specializing in car care detailing, including the washing of cars by hand, should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of September, 1994 that the Petition for Special Exception to permit a service garage specializing in car care detailing and including the washing of motor vehicles by hand on the subject property, pursuant to Section 30.13 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit No. 1, be and is hereby

GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order: however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Petitioner shall improve the site consistent with the Pikesville Streetscape Plan as much as possible without having to tear up existing macadam surfaces.
- 3) An attendant shall be posted on the site at the entrance when the customer cars are in the stacking spaces immediately adjoining the entrance to advise all additional customers that wish to enter to come back at another time or to make an appointment so that Petitioner will exert their best efforts to prevent cars from stacking in the public travelway waiting to enter the site.
- 4) A landscape plan, in accordance with this Order and the representations of the Petitioners, shall be submitted for review and approval by Avery Harden, Landscape Architect for Baltimore County, within 45 days of the date hereof.
- 5) When applying for a building permit, the site plan and landscaping plan filed must reference with case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date

By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

September 30, 1994

Julius W. Lichter, Esquire
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
E/S Reisterstown Road, 410' SE of the c/l of Village Road
(1701 Reisterstown Road)
3rd Election District - 2nd Councilmanic District
Leonard Rosen, et ux - Petitioners
Case No. 95-72-XA

Dear Mr. Lichter:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO

Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

~~File~~

RECEIVED





Petition for Special Exception

95-72-XA
to the Zoning Commissioner of Baltimore County

for the property located at 1701 Reisterstown Road
which is presently zoned BL

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

a Service Garage (for car care detailing) pursuant to BCZR Section 230.13; or in the alternative, a Car Wash (including complete interior and exterior detail cleaning taking more than two hours per car) pursuant to BCZR Sections 101 and 230.13, with parking & stacking requirements and the plat accompanying this petition to be approved by the Zoning Commissioner, per BCZR Section 409.6.A.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee: Royalty Car Wash, Inc.

Michael P. Levine, President
(Type or Print Name)

By Michael P. Levine
Signature

Six Williams Court

Address

Owings Mills, MD 21117

City State Zipcode

Attorney for Petitioner:

Julius W. Lichter
(Type or Print Name)

Julius W. Lichter
Signature
Levin & Gann, PA

305 W. Chesapeake Ave., #113

Address Phone No.
Towson, MD 21204
City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

LEONARD I ROSEN
(Type or Print Name)

Leonard I Rosen
Signature

GLORIA I ROSEN
(Type or Print Name)

Gloria I Rosen
Signature

Apartment 420
4001 Old Court Road

Address Phone No.

Baltimore, MD 21208
City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Julius W. Lichter, Esq., Levin & Gann
Name

Ste. 113, 305 W. Chesapeake Ave.,
Address
Towson, MD 21204 321-0600

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING
unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

ORDER RECEIVED FOR FILING

Date

By

DROP-OFF
No REVIEW APT
8/23/94 WCR



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

1701 Reisterstown Road

which is presently zoned

BL

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

419.3, 419.4.B.1, .B.2, .B.3 and .B.4 to permit the conversion of a vacated fuel service station per BCZR Section 405.8, which variance relief your Petitioner does not believe is applicable to the car wash operation which is intended to operate on this site as shown on the attached Plat for Special Exception for 1701 Reisterstown Road.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. To permit adaptive reuse of an existing building;
2. Relief is for existing structures on an irregularly shaped lot; and
3. For such other reasons as stated at the time of the public hearing on this Petition.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

Royalty Car Wash, Inc.

Michael P. Levine, President

(Type or Print Name)

By:

Signature

Six Williams Court

Address

Owings Mills, MD

21117

City

State

Zipcode

Attorney for Petitioner:

Julius W. Lichter

(Type or Print Name)

Signature

Levin & Gann, P.A.

305 W. Chesapeake Ave. #113

Address

Phone No.

Towson, Maryland

21204

City

State

Zipcode

321-0600

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

LEONARD ROSEN

(Type or Print Name)

Signature

GLORIA B. ROSEN

(Type or Print Name)

Signature

Apartment 420

4001 Old Court Road

Address

Phone No

Baltimore,

MD

21208

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Julius W. Lichter, Esq.; Levin & Gann

Name

305 W. Chesapeake Ave. 321-0600

Address

Towson, MD

21204

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

MICROFILMED

ORDER RECEIVED FOR FILING

Date

BY

DROP-OFF
No REVIEW APT.
8/23/94 WCR



Paul Lee, P.E.

#75

Paul Lee Engineering Inc.

304 W. Pennsylvania Ave.

Towson, Maryland 21204

410-821-5941

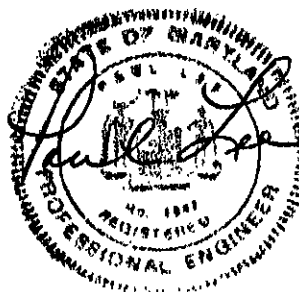
95-72-XA

DESCRIPTION

#1701 REISTERSTOWN ROAD
ELECTION DISTRICT 3C3
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the east side of Reisterstown Road, said point also being located southeasterly 410 feet from the center of Village Road; thence leaving said east side of Reisterstown Road (1) N 55°03'50" E 204.40 feet, (2) S 35°11'00" E 142.00 feet, (3) S 16°34'00" W 32.00 feet, and (4) S 45°52'45" W 182.14 feet to the east side of Reisterstown Road, thence binding on the east side of Reisterstown Road, (5) N 34°59'10" W 191.00 feet to the point of beginning.

Containing 0.815 acre ± of land, more or less.



MICROFILMED

Engineers — Surveyors — Site Planners

J.O. #94028

8/15/94

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Townson, Maryland

93-72XA

District 3rd Date of Posting 9/8/94
Posted for: Special Exception & Variance
Petitioner: Leonard & Gloria Rosen - Royalty Car Wash
Location of property: 1701 Ristfuss Town Rd., ELS
Location of Signs: Facing road way, on the property being zoned
Remarks: No pole used
Posted by M. H. Stanley Date of return: 9/16/94
Signature
Number of Signs: 1

MICROFILM

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #86-72-XA
(Item 75)
1701 Reisterstown Road
E/S Reisterstown Road,
410' S/E from c/ of Village
Road
3rd Election District
2nd Councilmanic
Legal Owner(s):
Leonard and Gloria Rose
Contract Purchaser(s):
Royalty Car Wash, Inc.
Hearing: Tuesday,
September 27, 1994 at
3:30 p.m. in Rm. 118, Old
Courthouse.

Special Exception for a
service garage (for car care de-
tailing) for, in the alternative, a
car wash including complete
interior and exterior detail

cleaning taking more than two
hours per car, plus parking and
stacking requirements and the
plat accompanying this petition
to be approved by the Zoning
Commissioner. Variance to
permit the conversion of a
vacated fuel service station to
a car wash operation.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handi-
capped Accessible; for special ac-
commodations Please Call
887-3353.

(2) For information concern-
ing the File and/or Hearing, Please
Call 887-3391.
9/039 Sept. 1.

CERTIFICATE OF PUBLICATION

TOWSON, MD., Sept. 2, 19 94

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on Sept. 1, 19 94

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON

~~Responsible~~

NOTIFIED



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

95-72-XA

Account: R-001-6150

Number 75 (WCR)

Date 8/23/94

DROP-OFF NO REVIEW APPOINTMENT

#020 - VARIANCE ----- \$250.00
#050 - SPECIAL EXCEPTION ----- 300.00
#080 SIGN POSTING (2 Signs) ----- 70.00
TOTAL FEES ----- \$620.00

Legal Owner: Leonard Rosen & Gloria Rosen
Contract Purchaser: Royalty Car Wash, Inc.
1701 Reisterstown Road
.815 +/- acre
3rd Election District; 3rd Councilmanic District
Zoned B.L.
Attorney: Julius W. Lichter

Check for \$620.00 from
Levin & Gann, P.A.

MICROFILMED

01A01#0014MICHRC
BA C008:49AM08-24-94

\$620.00

Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 75
Petitioner: ROSEN
Location: 1701 REISTERSTOWN ROAD
PLEASE FORWARD ADVERTISING BILL TO:
NAME: ROCKY CAR WASH INC.
ADDRESS: 6 WILLIAM COURT
OWINGS MILLS, MD. 21117
PHONE NUMBER: 356-0232

AJ:ggs

(Revised 04/09/93)

MICROFILMED

TO: PUTUXENT PUBLISHING COMPANY
September 1, 1994 Issue - Jeffersonian

Please forward billing to:

Julius W. Lichter, Esq.
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204
321-0600

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-72-XA (Item 75)
1701 Reisterstown Road
E/S Reisterstown Road, 410' S/E from c/l of Village Road
3rd Election District - 2nd Councilmanic
Legal Owner(s): Leonard and Gloria Rose
Contract Purchaser(s): Royalty Car Wash, Inc.
HEARING: TUESDAY, SEPTEMBER 27, 1994 at 3:30 p.m. in Room 118, Old Courthouse.

Special Exception for a service garage (for car care detailing; or in the alternative, a car wash (including complete interior and exterior detail cleaning taking more than two hours per car) with parking and stacking requirements and the plat accompanying this petition to be approved by the Zoning Commissioner

Variance to permit the conversion of a vacated fuel service station to a car wash operation.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management



File Copy

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

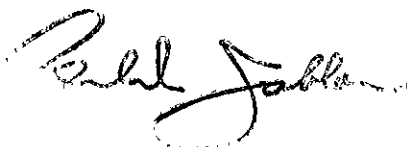
9-1-94

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-72-XA (Item 75)
1701 Reisterstown Road
E/S Reisterstown Road, 410' S/E from c/l of Village Road
3rd Election District - 2nd Councilmanic
Legal Owner(s): Leonard and Gloria Rose
Contract Purchaser(s): Royalty Car Wash, Inc.
HEARING: TUESDAY, SEPTEMBER 27, 1994 at 3:30 p.m. in Room 118, Old Courthouse.

Special Exception for a service garage (for car care detailing; or in the alternative, a car wash (including complete interior and exterior detail cleaning taking more than two hours per car) with parking and stacking requirements and the plat accompanying this petition to be approved by the Zoning Commissioner
Variance to permit the conversion of a vacated fuel service station to a car wash operation.


Arnold Jablon
Director

cc: Leonard and Gloria Rosen
Royalty Car Wash, Inc.
Julius W. Lichter, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Julius W. Lichter Esq.
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: Item No. 75, Case No. 95-72-xa
Petitioner: Leonard Rose/Royalty Car Wash

Dear Mr. Lichter::

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on August 23, 1994 and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.
- 2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.
- 3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours

A handwritten signature in dark ink, reading "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Zoning Coordinator

WCR:jaw



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: September 7, 1994

SUBJECT: 1701 Reisterstown Road

INFORMATION:

Item Number: 75
Petitioner: Rosen Property
Property Size: _____
Zoning: B.L.
Requested Action: _____
Hearing Date: _____ / _____ / _____

SUMMARY OF RECOMMENDATIONS:

Based upon the information provided and analysis conducted, staff offers the following comments:

The proposed service garage is located in the Pikesville Revitalization Plan area on a portion of Reisterstown Road known as the "Urban Boulevard". The Plan indicates that the "Urban Boulevard" area is largely vehicle oriented and less conducive to pedestrian traffic than the rest of Reisterstown Road.

The proposed use will occupy one of many vacant commercial properties located on Reisterstown Road. Two of the main goals of the Pikesville Revitalization Plan are to retain and attract new businesses to Reisterstown Road and to improve the physical appearance of the corridor through adaptive reuse of commercial properties.

RECEIVED
SEP 12 1994

MICROFILMED

ZADM

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: September 12, 1994
Zoning Administration and Development Management

FROM: *Wub* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for September 12, 1994
Item No. 75

The Developers Engineering Section has reviewed the subject zoning item. All improvements, entrances, drainage requirements and construction affecting the State Route 140 road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration, in addition to those of Baltimore County.

Also, this proposal is subject to the Landscape Manual and Bill #172-93. The submitted plan does not comply with Sec. IX.c.2.b.4 of the manual, nor the 10-foot wide streetscape of Bill #172-93.

RECEIVED
SEP 12 1994

ZADM

MICROFILMED

Staff supports the applicant's request subject to the following condition:

- A landscape plan should be submitted to the County's landscape architect to ensure compliance with the Pikesville Streetscape Plan.

Prepared by:

Jeffrey M. Ly

Division Chief:

Gary L. Kerns

PK/JL:lw

RECEIVED

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 09/01/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP 1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 75 AND 78.

RECEIVED
SEP 2 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 687-4881, MS-1102F



cc: File

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

95-72XA



Hearing Date
9/27/94

(410) 887-3353

111 West Chesapeake Avenue
Towson, MD 21204

September 30, 1994

Julius W. Lichter Esq.
305 W. Chesapeake Ave., Suite 113
Towson, Maryland 21204

Item 75

RE: Case No. 95-72
Rose/Royalty Car Wash

Petitioner: Leonard

Dear Petitioners: Mr. Lichter

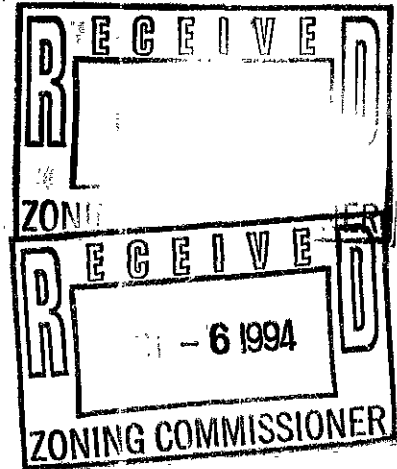
Enclosed are copies of comments received from SHA September 21, 1994
for the above-referenced case.

If there are any questions, please do not hesitate to call me at
887-3391.

Sincerely,

JW
Joyce Watson

Enclosure



MICROFILMED





Maryland Department of Transportation
State Highway Administration

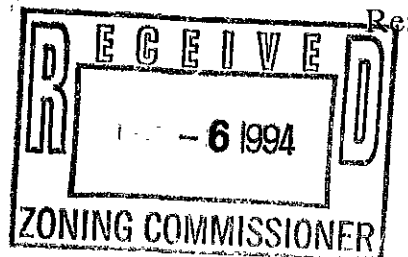
6/2/94
ag

4667-94

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

September 15, 1994

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204



Re: Baltimore County
MD 140
1701 Reisterstown Road
Royalty Car Wash
Special Exception
Item # +75 (WCR)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we offer the following:

A field inspection of the property reveals that the existing 35' entrances located on MD 140 are in an acceptable condition. Therefore, we have no objection to approval for the special exception for a service garage (for car care detailing); or in the alternative, a car wash (including complete interior and exterior detail cleaning taking more than two hours per car), with parking and stacking requirements.

However, a review of the State Highway Administration's current and long range planning documents reveals that MD 140 is identified for an average 65' right-of-way in this area. The 65' right-of-way should be indicated on future plan submittals to this office.

If you have any questions, please contact Bob Small at 410-333-1350. Thank you for the opportunity to review this plan.

Very truly yours,

David Ramsey

David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/es

RECEIVED
SEP 21 1994

ZADM

MICROFILMED

My telephone number is 410-333-1350 (Fax# 333-1041)

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: Sept. 15, 1994

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: Sept. 6

Boen
95-12

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 73
74
75
76
78
79
80
81

LS:sp

LETTY2/DEPRM/TXTSBP

RECEIVED

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

September 6, 1994

Julius W. Lichter, Esquire
Levin & Gann, PA
305 West Chesapeake Avenue
Suite #113
Towson, MD 21204

RE: Preliminary Petition Review (Item #75)
Legal Owner: Leonard & Gloria Rosen
Contract Purchaser: Royalty Car Wash,
Inc.
1701 Reisterstown Road
3rd Election District

Dear Mr. Lichter:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff indicates that the necessary requirements for application filing have been met. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John L. Lewis".

John L. Lewis
Planner II

JLL:scj

Enclosure (receipt)

cc: Zoning Commissioner

[Handwritten note: 9/10/94]



RE: PETITION FOR SPECIAL EXCEPTION *
PETITION FOR VARIANCE

1701 Reisterstown Road, E/S Reisterstown Road, 410' S/E from c/l of Village Road, 3rd Election Dist., *
2nd Councilmanic *

Leonard and Gloria Rosen
Petitioners *

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 95-72-XA

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Stella,
John Lerner has
reviewed. Arnold
assumed that the
hearing would be held
within 30 days.
Any questions, please call
Paul Jules
321-0600*

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of August, 1994, a copy of the foregoing Entry of Appearance was mailed to Julius W. Lichter, Esquire, Levin & Gann, P.A., 305 W. Chesapeake Avenue, Suite 113, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

MICROFILMED

I, JULIUS LICHTER, verify that:

1. John Lewis of ZACH has preliminarily reviewed the submitted; and

2. There are no violations on the site.

Julius Lichter
8/23/94

OFFICE: 301-321-0600
HOME: 301-764-8321

JULIUS W. LICHTER
Attorney At Law

LEVIN & GANN, P.A.
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Ellen Levine

Paula Lee

Michael V. Long

Steven Rubin

Adam S. Levine

Leonard T. Cohen

2 Harness Ct #103

304 W. Penney Lane Apt 210X

2 Harness Ct. Apt. 2108

6 Williams Court Apts m/b

9406 Dwings Heights Cir Apt 21115 Apt 202



AN ATTENDANT SHALL BE POSTED ON THE SITE AT THE ENTRANCE
WHEN THE CUSTOMER CARS ARE IN THE STACKING SPACES
IMMEDIATELY ADJOINING THE ENTRANCE TO ADVISE ALL
ADDITIONAL CUSTOMERS THAT WISH TO ENTER TO COME BACK AT
ANOTHER TIME OR TO MAKE AN APPOINTMENT SO THAT PETITIONER
WILL EXERT THEIR BEST EFFORTS TO PREVENT CARS FROM
STACKING IN THE PUBLIC TRAVELWAY WAITING TO ENTER THE
SITE.

MICROFILMED

PETITIONER'S
EXHIBIT 3

#75

95-72-XA

BALTIMORE COUNTY

BELTWAY

BL

D.R. 16

BL

BL

BL
CWS

POMONA

D.R. 16

BL

PIKESVILLE
VILLAGE

RD.

VILLAGE

D.R. 35

RD

P.O.B.

BL

NORTH

N 3000'

BL

D.R. 10.5

DR.

"SUBJECT
SITE"

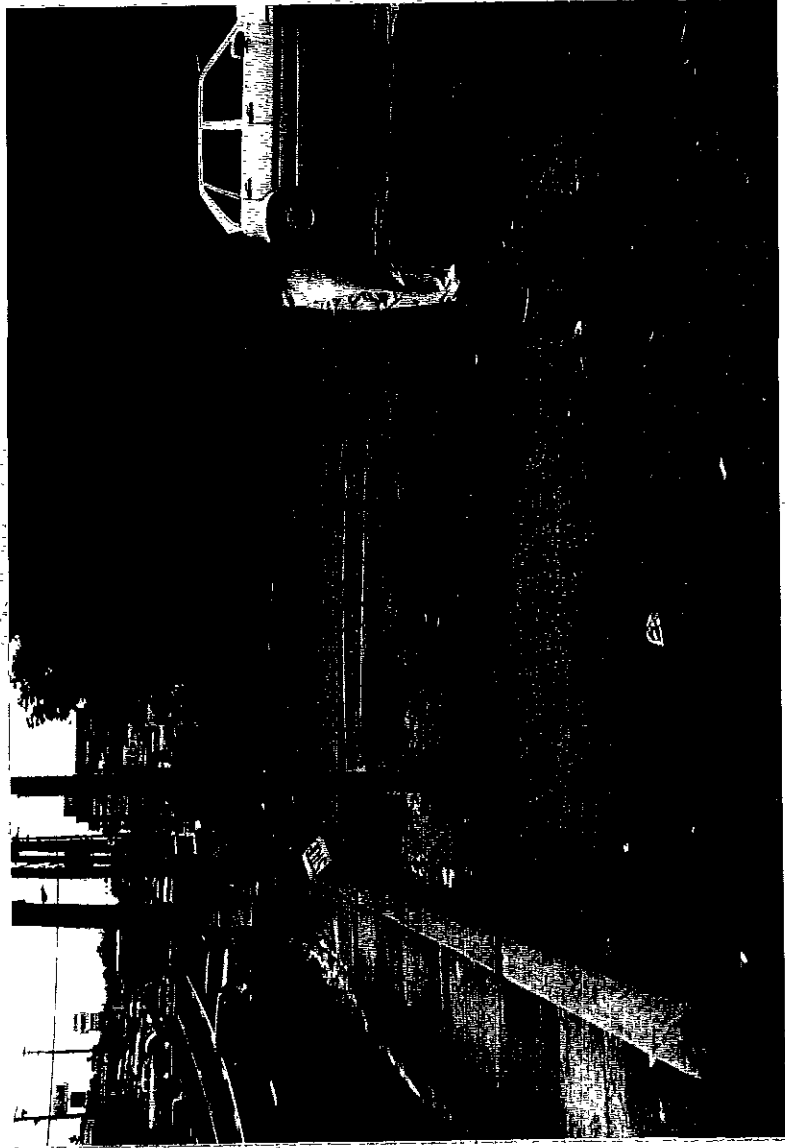
D.R. 2

REISTERSTOWN
RD

D.R. 2

MICROFILMED

SCALE: 1"=200'



2A



2C

PETITIONER'S EXHIBITS
2A-G



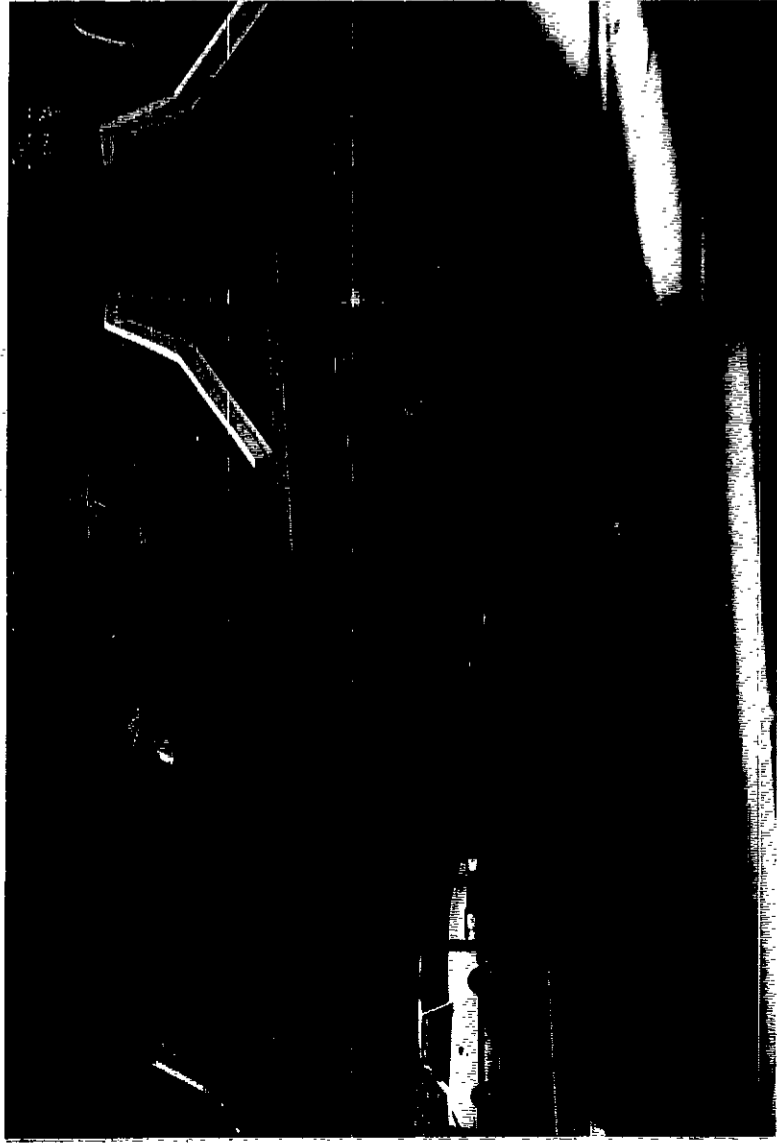
2B



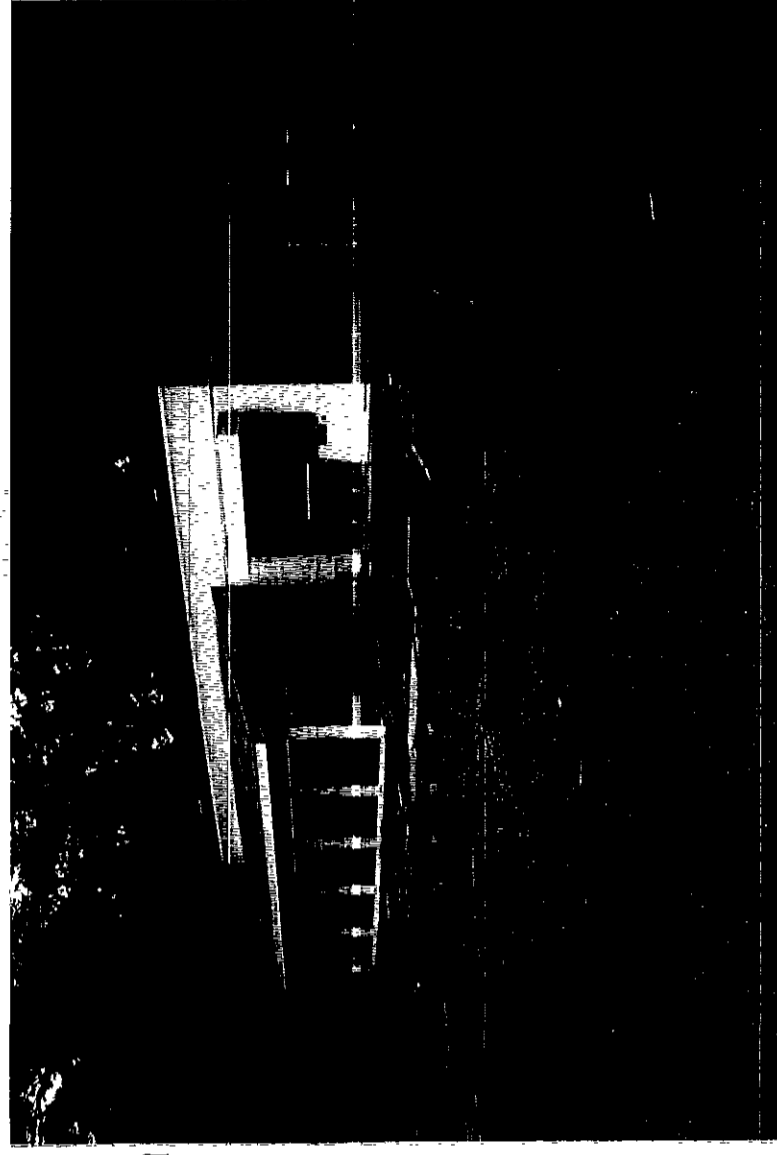
2D



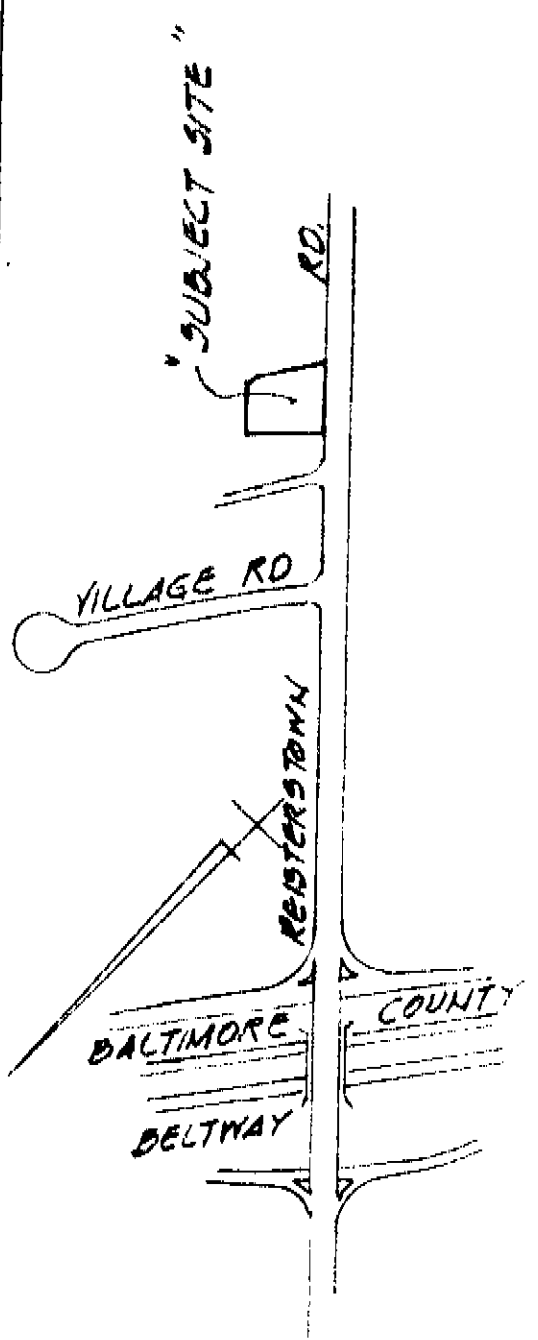
2F



2E



2G



LOCATION PLAN
SCALE 1"=500'

GENERAL NOTES

1. AREA OF PROPERTY = 0.015461 (GROSS) 0.014741 (NET)
2. EXISTING ZONING OF PROPERTY = "BL"
3. EXISTING USE OF PROPERTY = "FACULTY SERVICE STATION"
4. PROPOSED ZONING OF PROPERTY = "BL W/ SPECIAL EXCEPTION"
5. PROPOSED USE OF PROPERTY = "SERVICE GARAGE - CAR CARE DETAILING"
6. REQUIRED OFF STREET PARKING:
EX. 1STY. BUILDING 2344.9 S.F. PER 1997 ESB 4.002.1000 = 25.2 P.S.
2. NUMBER OF PARKING SPACES SHOWN (INCL. 3 AM'S) = 9 P.S.
8. PETITIONER REQUESTING A SPECIAL EXCEPTION IN A "BL" ZONE TO PERMIT A SERVICE GARAGE (FOR CAR CARE DETAILING) PURSUANT TO BCCR SECTION 230.13, OR IN THE ALTERNATIVE A CAR WASH (INCLUDING COMPLETE INTERIOR AND EXTERIOR DETAIL CLEANING TAKING MORE THAN TWO HOURS PER CAR) PURSUANT TO BCCR SECTIONS 101 AND 230.13 WITH PARKING REQUIREMENTS AND THE PLAT ACCOMPANYING THIS PETITION TO BE APPROVED BY THE ZONING COMMISSIONER.
9. PERMITTED PARKING = 9, FROM 5 A.M. - 9 P.M.
10. PROPERTY SERVED BY PUBLIC UTILITIES.
11. ANY PROPOSED SIGNS TO COMPLY WITH SECTION 413 AND ANY ZONING POLICIES.

PLAT TO ACCOMPANY PETITION
FOR

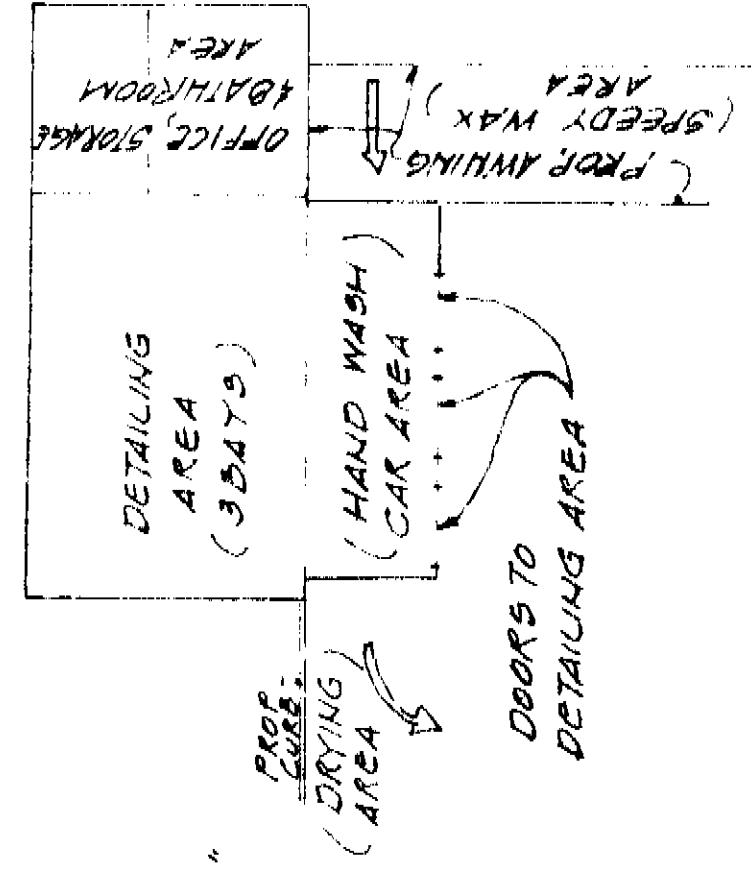
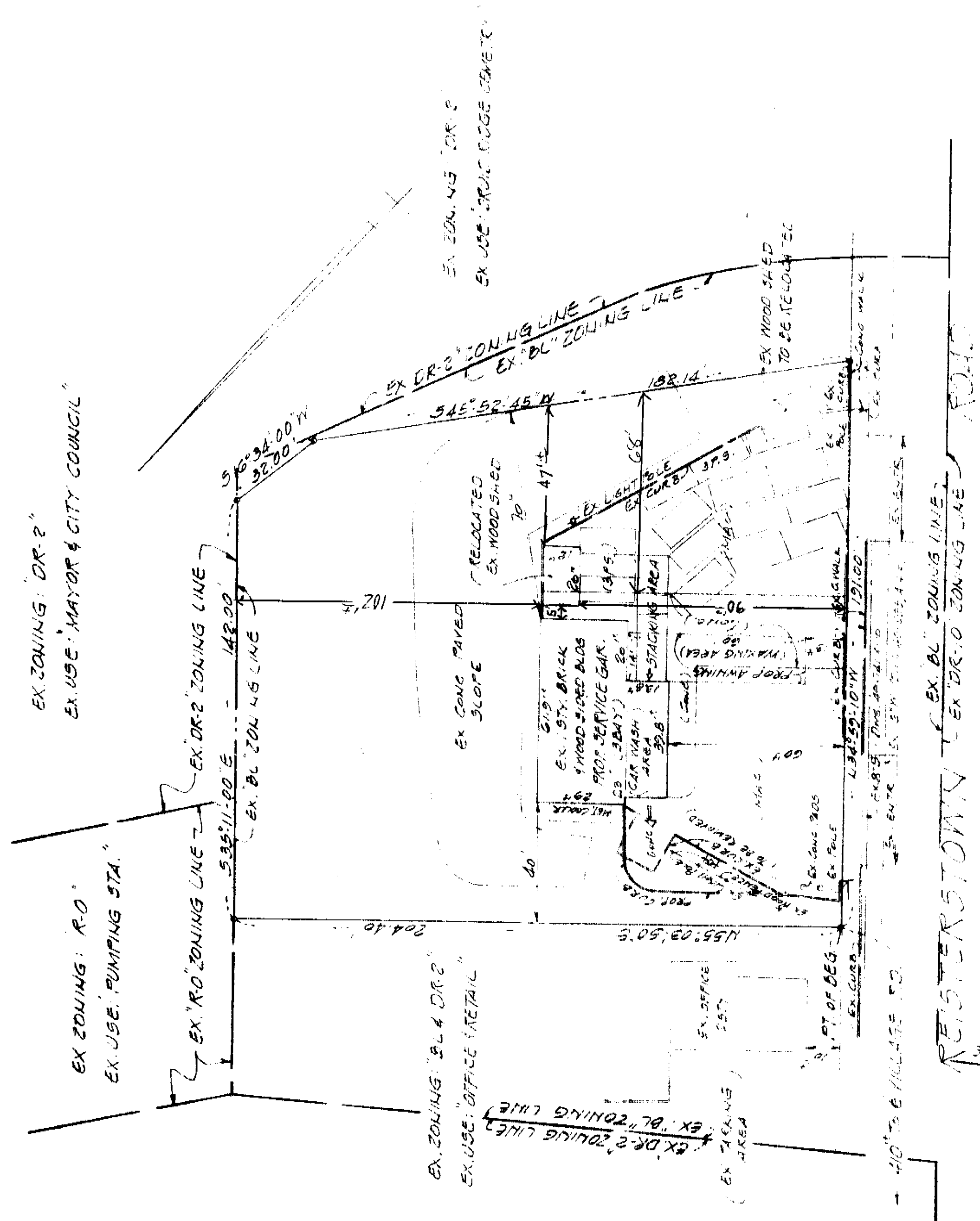
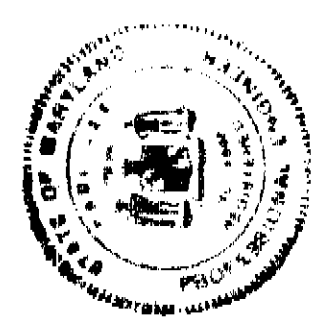
SPECIAL EXCEPTION

1701 REISTERSTOWN ROAD

ELECT. DIST. 303 BALTIMORE COUNTY, MD.
SCALE: 1"=30' AUG. 16, 1994

MICROFILMED

PAUL LEE ENGINEERING, INC.
304 W. PENNSYLVANIA AVE
TOWSON, MARYLAND 21204



EX. ZONING: DR-10.5
EX. USE: "POMONA SHOPPING CENTER"

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE - E/S Reisterstown * DEPUTY ZONING
Road, 410' S/E of C/L Village Road * COMMISSIONER OF
(1701 Reisterstown Road) * BALTIMORE COUNTY
3rd Election District *
2nd Councilmanic District *
Petitioner: Leonard Rosen, et ux * Case No. 95-72XA
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Exceptions and Variances filed by the owners of the subject property, Leonard Rosen and Gloria Rosen, and the Contract Lessee, Royalty Car Wash, Inc. The Petitioners request a special exception to permit a service garage use pursuant to Sections 230.13 and 101 or in the alternative a car wash use on the subject property, pursuant to Sections 230.13, 101 and 409.6.A of the Baltimore County Zoning Regulations (B.C.Z.R.), and variance relief from Sections 419.3, 419.4.B.1., B.2, B.3 and B.4, in accordance with Section 405.8 of the B.C.Z.R. as more particularly described in Petitioner's Exhibit No. 1, a site plan of the property.

Appearing on behalf of the Petitioners were Leonard Rosen, property owner, and Adam Levine, Michael Levine and Susan Levine, representatives of the Contract Lessees. Also appearing on behalf of the Petitioners were Julius W. Lichter, Esquire, of Levin & Gann, P.A., Paul Lee, Professional Engineer, and Sidney Freedman, President of the Pikesville Chamber of Commerce. There were no protestants present.

Testimony was proffered by Mr. Lichter, Mr. Lee and Adam Levine, which testimony indicated that the subject property, known as 1701 Reisterstown Road, consists of a gross area of 0.947 acres, more or less, zoned B.L. and is improved with an existing service garage. The Contract Lessee are new Baltimore County residents. They were attracted to this site because of its location and because they were advised that the zoning allowed the proposed use without securing any further zoning approval. They subsequently were advised that they would be required to obtain a Special Exception for the intended use as a Service Garage specializing in car care detailing including the washing of cars by hand.

The proffered testimony stated that the services that will be provided consist of car care including detailing of motor vehicles which provides the service of washing, waxing and interior detailing. The services will include any or all of the aforementioned facets of the car care provided. They anticipate that their business will consist of services scheduled by appointment and persons driving in and leaving their vehicles or waiting for services to be performed. They also hope to provide valet service to pick up vehicles and deliver to customer's destination.

The Petitioners have met with the Zoning Committee of the Pikesville Chamber of Commerce and have received their support as witnessed by the appearance of their President, Mr. Sidney Freedman. The Petitioners have agreed to a condition to be made a

2

part of the Order, which would better assure that traffic would not stack in the public travelway (north bound Reisterstown Road).

The proffered testimony reflected that the Petitioners have carefully considered the appearance of the site and will install ground cover and low height plants within the area adjacent to Reisterstown Road between the points of ingress and egress to the site as shown on Petitioner's Exhibit No. 1 and that they will clean up the current overgrown condition of the landscaping on the north and south boundaries of the property and plant some additional shrubbery along the boundaries if necessary.

Testimony presented indicated that the subject property has been the site of a variety of uses over the years and that at times, the property has deteriorated to deplorable conditions. The property has been used as a service garage, service station, landscape shop, produce stand and vacant for long periods of time. Mr. Freedman testified that the petitioned use would be a welcome addition to Pikesville.

Mr. Paul Lee, a registered professional engineer, testified on behalf of the Petitioner. Mr. Lee testified that the Royalty operation is not a true car wash as that use is defined in the B.C.Z.R. Mr. Lee testified that this operation is not a car wash where members of the public exclusively drive up, wait in line, and have their vehicles mechanically washed. This is more of a hybrid use in that a substantial portion of the business will be by appointment or valet service as there is no stacking or lining up of cars which are mechanically moved through a car washing system.

3

The entire process of washing through detailing is done by hand except for a dryer which will remove excess water from the vehicles quickly. Mr. Lee testified that the stacking requirements imposed by the B.C.Z.R. are not applicable in this case and unnecessary. Those stacking requirements deal with automated car washes as described above. Mr. Lee further testified that all of the standards for the granting of the Special Exception have been satisfied.

It is clear that the B.C.Z.R. permits the use proposed in a B.L. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibits would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. *Schultz v. Pritts*, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create

4

congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception for service garage together with car wash functions should be granted with certain restrictions.

In view of the property's use as a service garage for detailing and maintenance of the interior and exterior of motor vehicles, it is not necessary to rule upon the variances requested which apply only to the car uses as set forth in Section 419 of the B.C.Z.R. The request for variances were withdrawn by the Petitioners.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special exception for service garage specializing in car care detailing, including the washing of cars by hand, should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of September, 1994 that the Petition for Special Exception to permit a service garage specializing in car care detailing and including the washing of motor vehicles by hand on the subject property, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit No. 1, be and is hereby

5

GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Petitioner shall improve the site consistent with the Pikesville Streetscape Plan as much as possible without having to tear up existing macadam surfaces.
- 3) An attendant shall be posted on the site at the entrance when the customer cars are in the stacking spaces immediately adjoining the entrance to advise all additional customers that wish to enter to come back at another time or to make an appointment so that Petitioner will exert their best efforts to prevent cars from stacking in the public travelway waiting to enter the site.
- 4) A landscape plan, in accordance with this Order and the representations of the Petitioners, shall be submitted for review and approval by Avery Harden, Landscape Architect for Baltimore County, within 45 days of the date hereof.
- 5) When applying for a building permit, the site plan and landscaping plan filed must reference with case and set forth and address the restrictions of this Order.

Timothy M. Korocho
TIMOTHY M. KOROCHO
Deputy Zoning Commissioner
for Baltimore County

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

September 30, 1994

(410) 887-4386

Julius W. Lichter, Esquire
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
E/S Reisterstown Road, 410' SE of the c/l of Village Road
(1701 Reisterstown Road)
3rd Election District - 2nd Councilmanic District
Leonard Rosen, et ux - Petitioners
Case No. 95-72-XA

Dear Mr. Lichter:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 897-3391.

Very truly yours,

Timothy M. Korocho
TIMOTHY M. KOROCHO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File



Petition for Special Exception to the Zoning Commissioner of Baltimore County

for the property located at 1701 Reisterstown Road
which is presently zoned BL

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

a Service Garage (for car care detailing) pursuant to BCZR Section 230.13; or in the alternative, a Car Wash (including complete interior and exterior detail cleaning taking more than two hours per car) pursuant to BCZR Sections 101 and 230.13, with parking & stacking requirements and the plat accompanying this petition to be approved by the Zoning Commissioner, per BCZR Section 409.6.A

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee: Royalty Car Wash, Inc.

Michael P. Levine, President

(Type or Print Name)

Signature

Six Williams Court

Owings Mills, MD 21117

City State Zipcode

Signature

Apartment 420

4001 Old Court Road

Baltimore, MD 21208

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted

Julius W. Lichter, Esq., Levin & Gann

305 W. Chesapeake Ave., #113

Towson, MD 21204

City State Zipcode

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following date

ALL OTHER DATE

REVIEWED BY: DATE

Drop-Off
No REVIEW APR
8/23/94 WRP

ORDER RECEIVED FOR FILING
Date 9/30/94
By [Signature]



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1701 Reisterstown Road
which is presently zoned BL

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 419.3, 419.4, B.1., B.2., B.3 and B.4 to permit the conversion of a vacant fuel service station per BCZR Section 405.8, which variance relief your Petitioner does not believe is applicable to the car wash operation which is intended to operate on this site as shown on the attached Plat of Special Exception for 1701 Reisterstown Road.

- or for a Special Exception for 1701 Reisterstown Road, for the following reasons: (Indicate hardship or practical difficulty)
1. To permit adaptive reuse of an existing building;
 2. Relief is for existing structures on an irregularly shaped lot; and
 3. For such other reasons as stated at the time of the public hearing on this Petition.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor:

Royalty Car Wash, Inc.
Michael P. Levine, President

By: *Michael P. Levine*

Six Williams Court

Owings Mills, MD 21117

City

State

Zip

County

Attorney for Petitioner:

Julius W. Lichter

Type or Print Name

Julius W. Lichter

Address

Levin & Gann, P.A.

305 W. Chesapeake Ave. #113

Towson, Maryland 21204

Phone No.

321-0600

Office Use Only

ESTIMATED LENGTH OF HEARING

the following date

ALL OTHERS

REVIEWED BY: DATE

8/23/94 WCR

With so solemnly declare and affirm, under the penalties of perjury, that I am the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

LEONARD ROSEN
Leonard Rosen

Signature

Signature

Signature

Signature

Signature

Signature

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Paul Lee P.E.

Paul Lee Engineering Inc.

305 W. Chesapeake Ave.

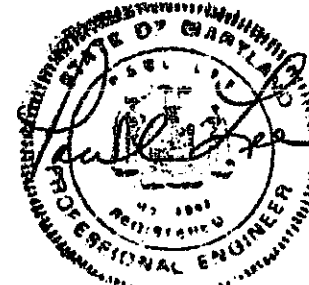
Towson, Maryland 21204

410-321-5341

DESCRIPTION

#1701 REISTERSTOWN ROAD
ELECTION DISTRICT 3C3
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the east side of Reisterstown Road, said point also being located southeasterly 410 feet from the center of Village Road; thence leaving said east side of Reisterstown Road (1) N 55°03'50" E 204.40 feet, (2) S 35°11'00" E 142.00 feet, (3) S 16° 34'00" W 32.00 feet, and (4) S 45°52'45" W 182.14 feet to the east side of Reisterstown Road, thence binding on the east side of Reisterstown Road, (5) N 34°59'10" W 191.00 feet to the point of beginning. Containing 0.815 acre ± of land, more or less.



Engineers - Surveyors - Site Planners

J.O. #94028

8/15/94

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3rd Date of Posting: 8/14/94

Posted for: Special Exception & Variance

Petitioner: Leonard Rosen & Gloria Rose

Location of property: 1701 Reisterstown Road, BL

Location of Sign: Property, on property, being posted

Remarks: No BL use

Posted by: M. Lichter

Number of Signs: 1

Date of return: 8/14/94

CERTIFICATE OF PUBLICATION

TOWSON, MD., Sept. 2, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Sept. 1, 1994

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case: 95-72-XA (Item 75)
1701 Reisterstown Road
Election District - 2nd Councilmanic District
Legal Owner(s): Leonard and Gloria Rose
Contract Purchaser(s): Royalty Car Wash, Inc.
Hearing: Tuesday, September 27, 1994 at 3:30 p.m. in Room 118, Old Courthouse.

Special Exception for a service garage (for car care detailing; or in the alternative, a car wash (including complete interior and exterior detail cleaning taking more than two hours per car) with parking and stacking requirements and the plat accompanying this petition to be approved by the Zoning Commissioner. Variance to permit the conversion of a vacant fuel service station to a car wash operation.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for special accommodations please call 887-3353.
(2) For information concerning the file and/or hearing, please call 887-3353.
(3) For information concerning the file and/or hearing, please call 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management



File Copy

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

9-1-94

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-72-XA (Item 75)
1701 Reisterstown Road
Election District - 2nd Councilmanic District
Legal Owner(s): Leonard and Gloria Rose
Contract Purchaser(s): Royalty Car Wash, Inc.
Hearing: TUESDAY, SEPTEMBER 27, 1994 at 3:30 p.m. in Room 118, Old Courthouse.

Special Exception for a service garage (for car care detailing; or in the alternative, a car wash (including complete interior and exterior detail cleaning taking more than two hours per car) with parking and stacking requirements and the plat accompanying this petition to be approved by the Zoning Commissioner. Variance to permit the conversion of a vacant fuel service station to a car wash operation.

Arnold Jablon
Director

cc: Leonard and Gloria Rose
Royalty Car Wash, Inc.
Julius W. Lichter, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 75

Petitioner: ROSEN

Location: 1701 REISTERSTOWN ROAD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: ROYALTY CAR WASH INC

ADDRESS: 6 WILLIAM COURT

OWINGS MILLS, MD 21117

PHONE NUMBER: 356-0982

AJ:ggs

(Revised 04/09/93)

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Julius W. Lichter Esq.
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

Re: Item No. 75, Case No. 95-72-XA
Petitioner: Leonard Rose/Royalty Car Wash

Dear Mr. Lichter:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on August 23, 1994 and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.
- 2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for September 12, 1994
Item No. 75

The Developers Engineering Section has reviewed the subject zoning item. All improvements, entrances, drainage requirements and construction affecting the State Route 140 road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration, in addition to those of Baltimore County.

Also, this proposal is subject to the Landscape Manual and Bill #172-93. The submitted plan does not comply with Sec. IX.C.2.b.4 of the manual, nor the 10-foot wide streetscape of Bill #172-93.

RECEIVED
SEP 12 1994
ZADM

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration & Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: September 7, 1994

SUBJECT: 1701 Reisterstown Road

INFORMATION:

Item Number: 75

Petitioner: Rosen Property

Property Size:

Zoning: B.L.

Requested Action:

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

Based upon the information provided and analysis conducted, staff offers the following comments:

The proposed service garage is located in the Pikesville Revitalization Plan area on a portion of Reisterstown Road known as the "Urban Boulevard". The Plan indicates that the "Urban Boulevard" area is largely vehicle oriented and less conducive to pedestrian traffic than the rest of Reisterstown Road.

The proposed use will occupy one of many vacant commercial properties located on Reisterstown Road. Two of the main goals of the Pikesville Revitalization Plan are to retain and attract new businesses to Reisterstown Road and to improve the physical appearance of the corridor through adaptive reuse of commercial properties.

RECEIVED
SEP 12 1994
ZADM

ZAC. 75/PZONE/ZAC1

Pg. 1

Staff supports the applicant's request subject to the following condition:

- A landscape plan should be submitted to the County's landscape architect to ensure compliance with the Pikesville Streetscape Plan.

Prepared by: *Jeffrey M. L.*

Division Chief: *Carol L. Kerns*

PK/JL:lw

ZAC. 75/PZONE/ZAC1

Pg. 2

Baltimore County Government
Fire Department



700 East Joppa Road, Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 09/01/94

Arnold Jablon
Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owners: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning Agenda:

Settlement:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the contents below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 75 AND 76.

RECEIVED
SEP 2 1994
ZADM

REVIEWER: LT. ROBERT P. BAUMANN
Fire Marshal Office, ENCFE 887-4881, RS-1102F

cc: File
Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

September 30, 1994

(410) 887-3353

Julius W. Lichter Esq.
305 W. Chesapeake Ave., Suite 113
Towson, Maryland 21204

Item 75

RE: Case No. 95-72
Rose/Royalty Car Wash

Petitioner: Leonard

Dear Petitioners: Mr. Lichter

Enclosed are copies of comments received from SHA September 21, 1994 for the above-referenced case.

If there are any questions, please do not hesitate to call me at 887-3391.

Sincerely,

Joyce Watson
Joyce Watson

Enclosure

RECEIVED
SEP 30 1994
ZADM



Maryland Department of Transportation
State Highway Administration

September 15, 1994

Ms. Julie Winiarski
Zoning Administration and Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

RECEIVED
- 6 1994
ZONING COMMISSIONER

Re: Baltimore County
MD 140
1701 Reisterstown Road
Royalty Car Wash
Special Exception
Item # 75 (WCR)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we offer the following:

A field inspection of the property reveals that the existing 35' entrances located on MD 140 are in an acceptable condition. Therefore, we have no objection to approval for the special exception for a service garage (for car care detailing); or in the alternative, a car wash (including complete interior and exterior detail cleaning taking more than two hours per car), with parking and stacking requirements.

However, a review of the State Highway Administration's current and long range planning documents reveals that MD 140 is identified for an average 65' right-of-way in this area. The 65' right-of-way should be indicated on future plan submittals to this office.

If you have any questions, please contact Bob Small at 410-333-1350. Thank you for the opportunity to review this plan.

Very truly yours,

David Ramsey
David Ramsey, Acting Chief
Engineering Access Reviews
Division

BS/es

My telephone number is 410-333-1350 (Fax# 333-1041)

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RECEIVED
SEP 21 1994
ZADM

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: Sept. 6

DATE: Sept. 15, 1994

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee items:

Item #'s: 73
24
25
76
78
79
80
81

LS:sp

LETTY/DEPRM/TXTSBP

Baltimore County Government
Office of Zoning Administration and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

September 6, 1994

(410) 887-3353

Julius W. Lichter, Esquire
Levin & Gann, PA
305 West Chesapeake Avenue
Suite #113
Towson, MD 21204

RE: Preliminary Petition Review (Item #75)
Legal Owner: Leonard & Gloria Rosen
Contract Purchaser: Royalty Car Wash, Inc.
1701 Reisterstown Road
3rd Election District

Dear Mr. Lichter:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff indicates that the necessary requirements for application filing have been met. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

John L. Lewis
John L. Lewis
Planner II

JLL:scj

Enclosure (receipt)

cc: Zoning Commissioner

Printed with Soybean Ink
on Recycled Paper

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 95-72-XA

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

TE OF SERVICE

CERTIFY that on this 31st day of August, 1994, a copy of the Proposed Entry of Appearance was mailed to Julius W. Lichter, Esq., Lichter, Gann & Gann, P.A., 305 W. Chesapeake Avenue, Suite 113, Norfolk, Virginia 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

OFFICE: 301-321-0600
HOME: 301-764-8321

JULIUS W. LICHTER
Attorney At Law

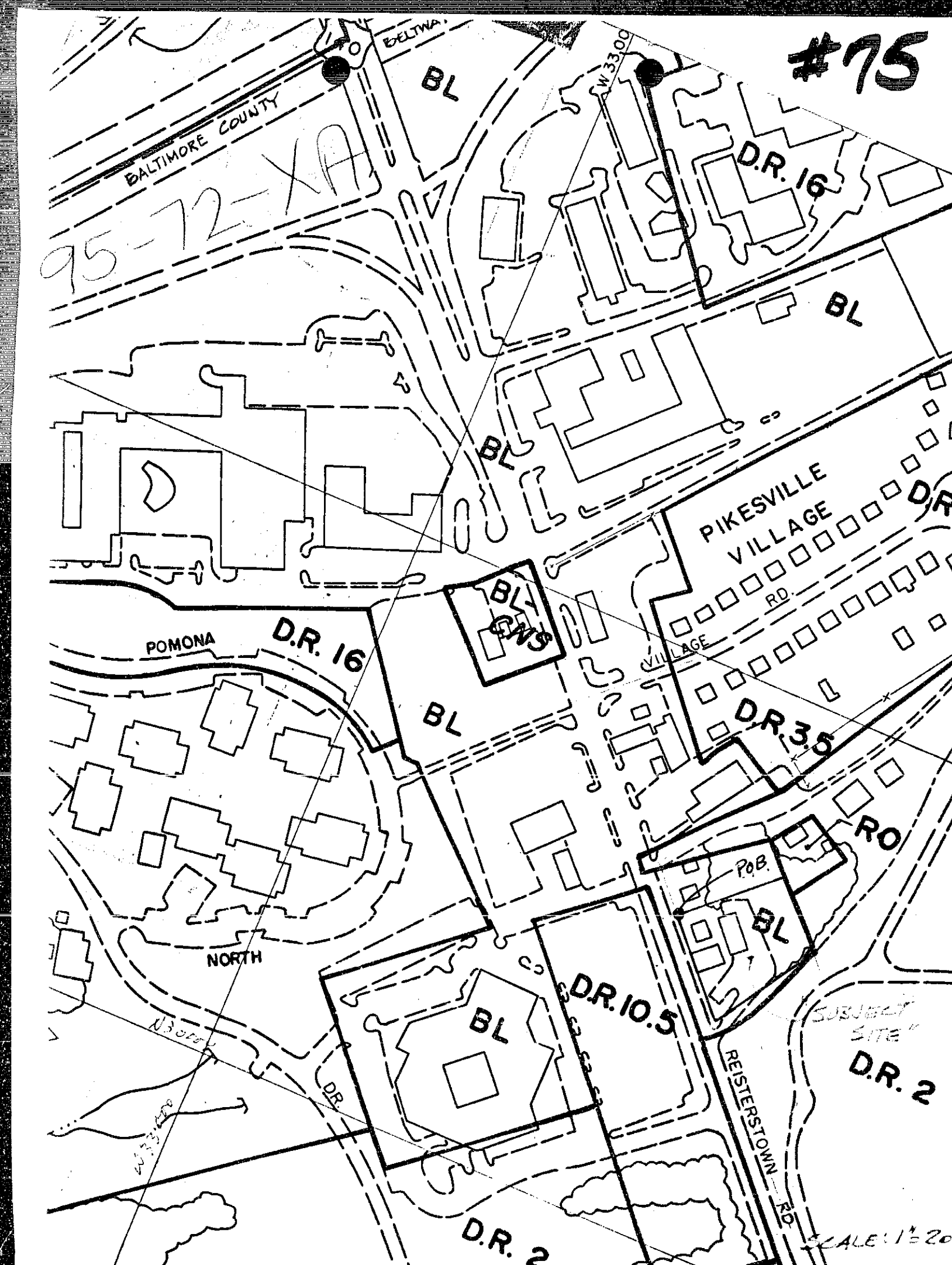
LEVIN & GANN, P.A.
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

PETITIONER(S) SIGN-IN SHEET

ADDRESS

Susan Brown
 Paul Fox
 Margaret Long
 Steve Rubin
 Helen S. Levine
 Leonard L. Brown

2 ~~Harness~~ Ct #103
304 W. Pearce ~~Commerce~~ vwp
2 ~~Harness~~ Ct #103 vwp
6 William Court Owens ml
9406 Downs High Lb Cir Apt 402

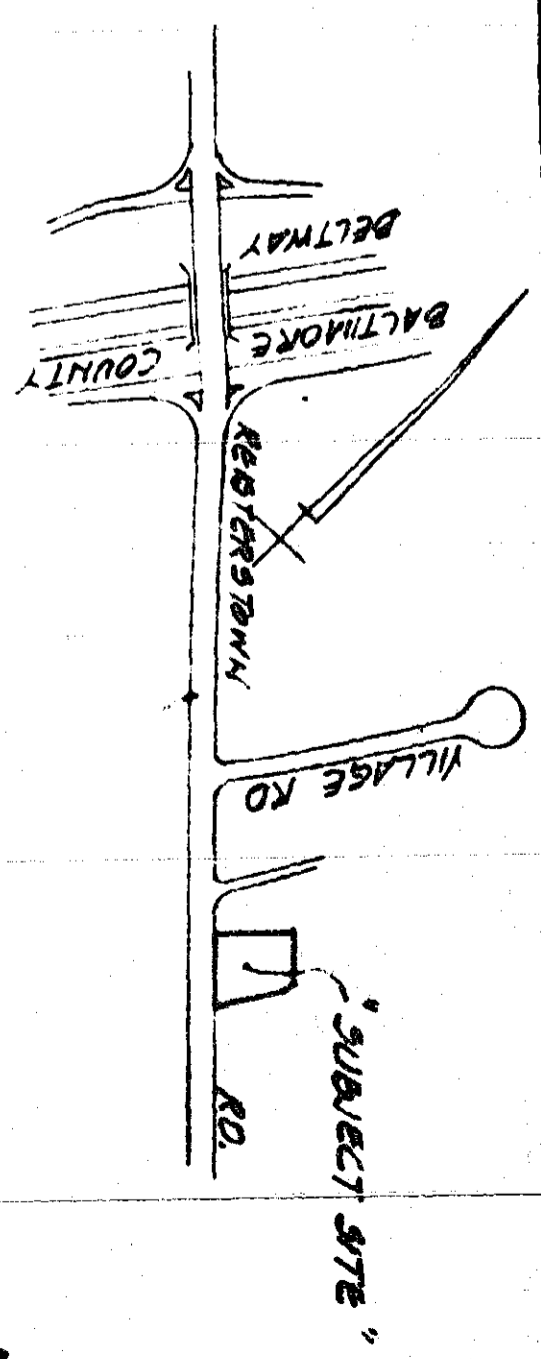
 Printed with Soybean Ink on Recycled Paper

Petitioner's
Exhibits 2A -
2E
95-72-XA



AN ATTENDANT SHALL BE POSTED ON THE SITE AT THE ENTRANCE
WHEN THE CUSTOMER CARS ARE IN THE STACKING SPACES
IMMEDIATELY ADJOINING THE ENTRANCE TO ADVISE ALL
ADDITIONAL CUSTOMERS THAT WISH TO ENTER TO COME BACK AT
ANOTHER TIME OR TO MAKE AN APPOINTMENT SO THAT PETITIONER
WILL EXERT THEIR BEST EFFORTS TO PREVENT CARS FROM
STACKING IN THE PUBLIC TRAVELWAY WAITING TO ENTER THE
SITE.

PETITIONER'S
EXHIBIT 3



LOCATION PLAN
SCALE: 1"=500'

GENERAL NOTES

1. AREA OF PROPERTY: 0.015 AC. (6,005 S.F. 0.247 AC.)
2. EXISTING ZONING OF PROPERTY: "BL"
3. EXISTING USE OF PROPERTY: "YACHT SERVICE STATION"
4. PROPOSED ZONING OF PROPERTY: "BL W/ SPECIAL EXCEPTION"
5. PROPOSED USE OF PROPERTY: "SERVICE GARAGE - CAR CARE DETAILING"
6. REQUIRED OFF-STREET PARKING: EX. 197Y BUILDING: 2344 S.F. (240 S.F. MIN. 45-75 S.F.)
7. NUMBER OF PARKING SPACES SHOWN (INCL. 364 S.F.): 57 S.F.
8. PETITIONER REQUESTING A SPECIAL EXCEPTION IN A BL ZONE DEDICATE A SERVICE GARAGE (FOR CAR CARE DETAILING, INSURANT TO BACK SECTION 230.13, OR IN THE ALTERNATIVE, A CAR WASH, INCLUDING COMPLETE INTERIOR AND EXTERIOR DETAIL CLEANING TAKING MORE THAN TWO HOURS PER CAR, INSURANT TO BACK SECTIONS 10) AND 230.13, WITH PARKING REQUIREMENTS AND THE PLAT ACCOMPANYING THIS PETITION TO BE APPROVED BY THE ZONING COMMISSIONER.
9. PERMITTED PARK: 3, FROM PAR. 207
10. PROPERTY SERVED BY PUBLIC UTILITIES.
11. ANY PROPOSED SIGNS TO COMPLY WITH SECTION 413 AND ANY ZONING POLICIES

PETITIONER'S EXHIBIT 1

PLAT TO ACCOMPANY PETITION FOR

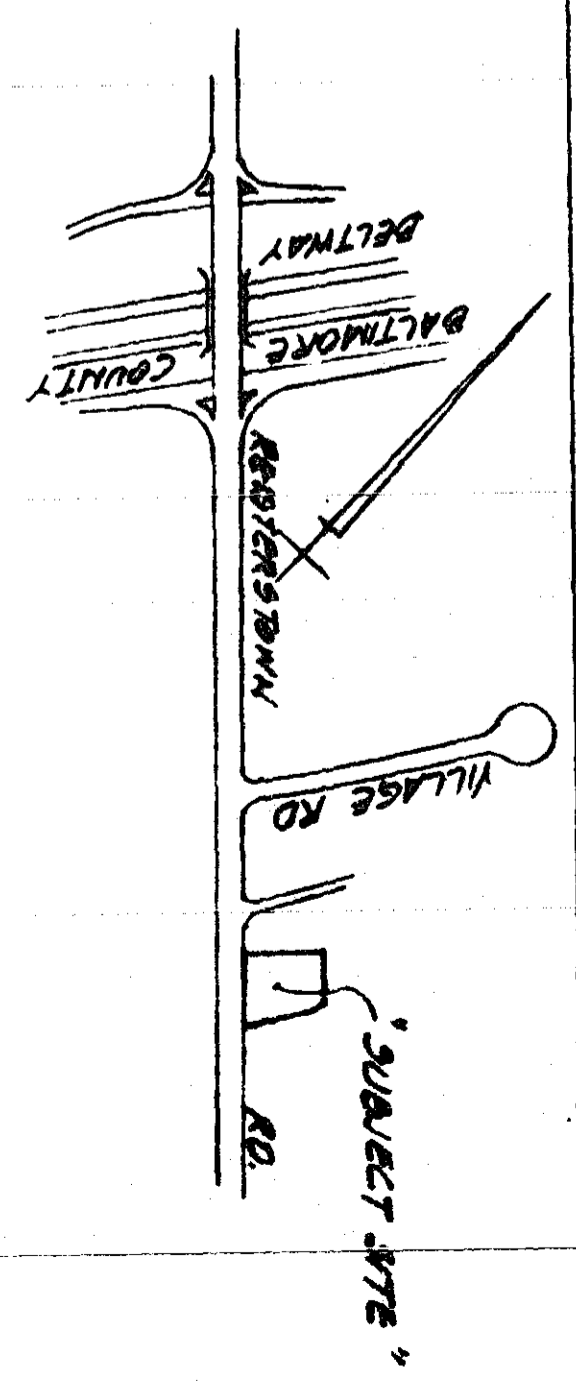
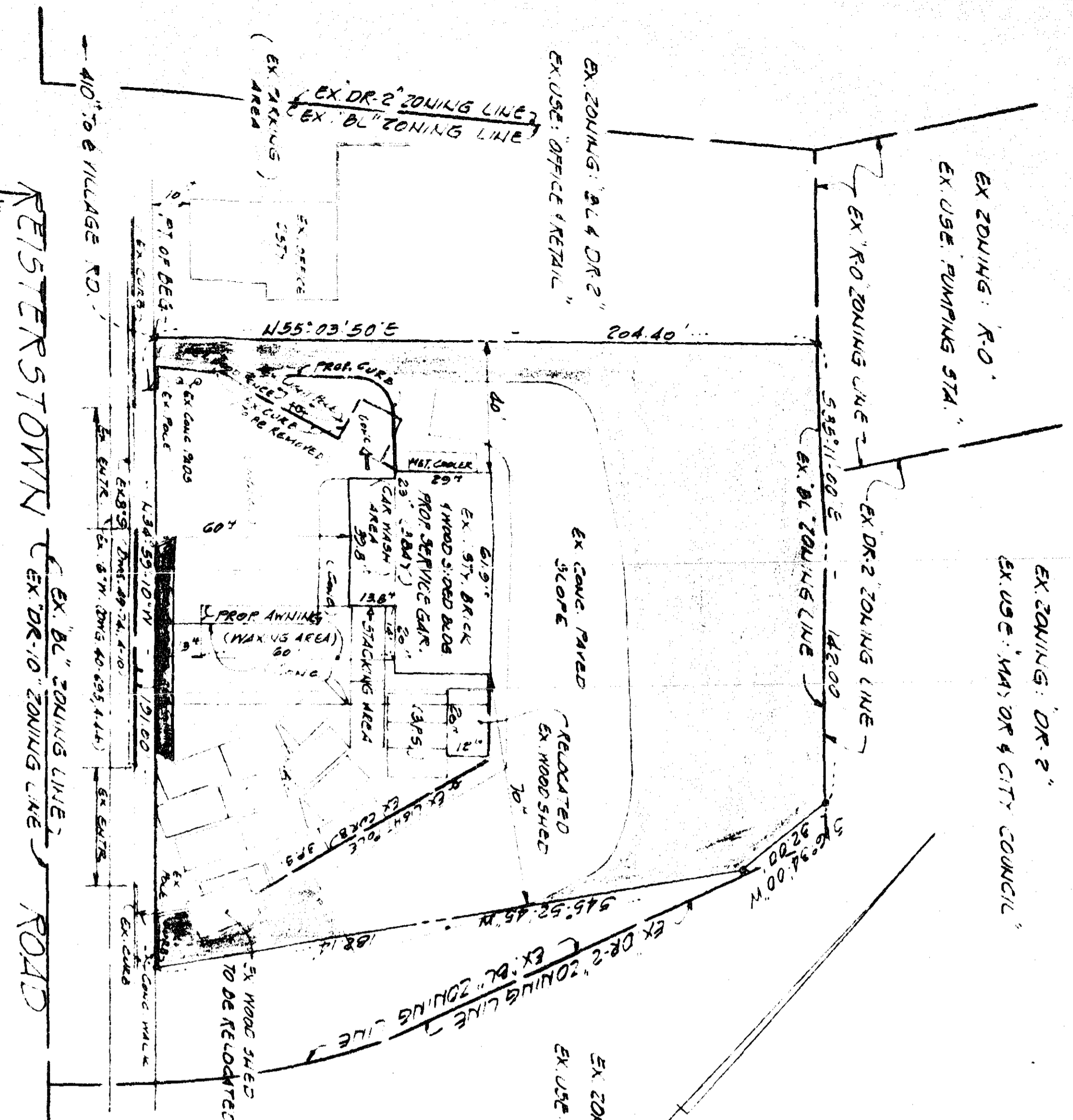
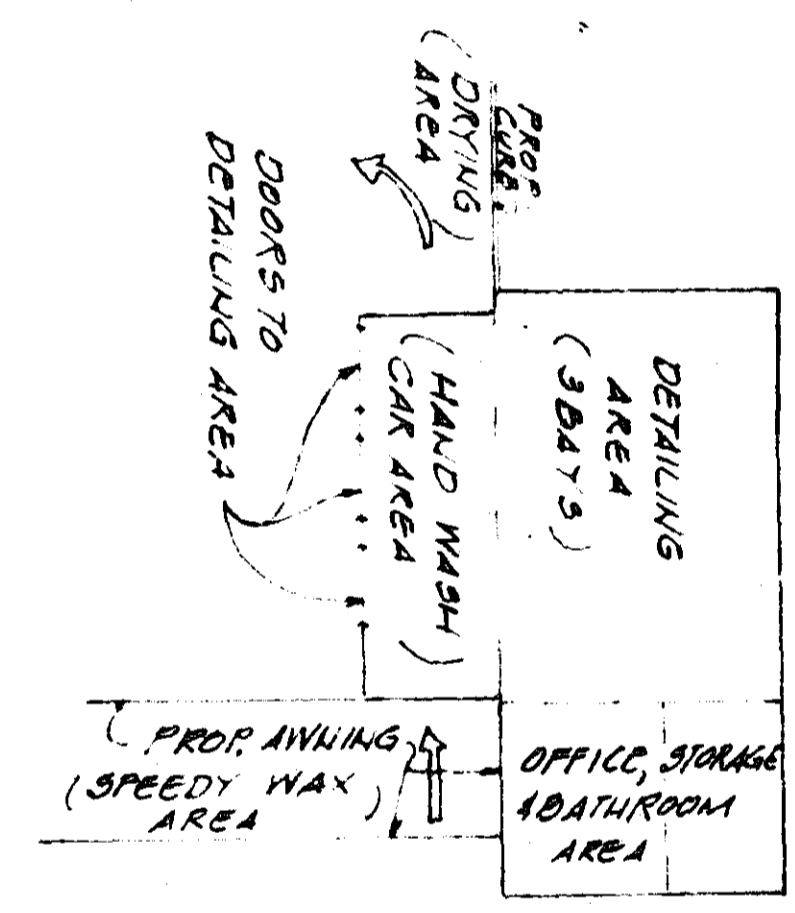
SPECIAL EXCEPTION

1701 REISTERSTOWN ROAD

ELECT. DIST. 363 BALTIMORE COUNTY, MD.

SCALE: 1"=30' AUG. 16, 1994

PAUL LEE ENGINEERING, INC.
304 N. PENNSYLVANIA AVE
TOWSON, MARYLAND 21204



LOCATION PLAN
SCALE: 1"=500'

GENERAL NOTES

1. AREA OF PROPERTY: 0.015 AC. (6,005 S.F. 0.247 AC.)
2. EXISTING ZONING OF PROPERTY: "BL"
3. EXISTING USE OF PROPERTY: "YACHT SERVICE STATION"
4. PROPOSED ZONING OF PROPERTY: "BL W/ SPECIAL EXCEPTION"
5. PROPOSED USE OF PROPERTY: "SERVICE GARAGE - CAR CARE DETAILING"
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7. NUMBER OF PARKING SPACES SHOWN (INCL. 364 S.F.): 57 S.F.
8. PETITIONER REQUESTING A SPECIAL EXCEPTION IN A BL ZONE DEDICATE A SERVICE GARAGE (FOR CAR CARE DETAILING, INSURANT TO BACK SECTION 230.13, OR IN THE ALTERNATIVE, A CAR WASH, INCLUDING COMPLETE INTERIOR AND EXTERIOR DETAIL CLEANING TAKING MORE THAN TWO HOURS PER CAR) INSURANT TO BACK SECTIONS 10) AND 230.13, WITH PARKING REQUIREMENTS AND THE PLAT ACCOMPANYING THIS PETITION TO BE APPROVED BY THE ZONING COMMISSIONER.
9. PERMITTED PARK: 3, FROM PAR. 207
10. PROPERTY SERVED BY PUBLIC UTILITIES.
11. ANY PROPOSED SIGNS TO COMPLY WITH SECTION 413 AND ANY ZONING POLICIES

PLAT TO ACCOMPANY PETITION FOR

SPECIAL EXCEPTION

1701 REISTERSTOWN ROAD

ELECT. DIST. 363 BALTIMORE COUNTY, MD.

SCALE: 1"=30' AUG. 16, 1994

PAUL LEE ENGINEERING, INC.
304 N. PENNSYLVANIA AVE
TOWSON, MARYLAND 21204

